



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,889	06/27/2003	Ganesh Sivaraman	915-006,019	7811

4955 7590 07/17/2008

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

OSMAN, RAMY M

ART UNIT

PAPER NUMBER

2157

MAIL DATE

DELIVERY MODE

07/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,889

Applicant(s)

SIVARAMAN ET AL.

Examiner

RAMY M. OSMAN

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 16, 17, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 16, 17, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is responsive to amendment filed on April 21, 2008, where Applicant amended claims 1,16,17. Claims 1-7,16,17,21,22 are pending.

Response to Arguments

2. Applicant's arguments, filed 4/21/2008 have been fully considered but are persuasive. Therefore, the rejection has been withdrawn.

3. Applicant argues that Kruis does not teach the provisioning request of Kruis is does not comprise at least one data store descriptor suitable for characterizing said the data store, for identifying content type, and a command for identifying a matching data store.

In reply, Kruis teaches that a provisioning request can be a request for service (i.e. *request for retrieving information*), see ¶81. The provisioning request that is sent includes identification information (i.e. *descriptor*), see ¶ 39 lines 1-14 and ¶ 85 lines 4-12, which is used by the provisioning authority to identify the services that were requested (i.e. *content type*), see ¶ 82. Using the identification information, a service provider is identified, which inherently have data storage of the service to be provided to the requestor.

4. Applicant argues that there is no showing as to why embodiments of Figure 7 and 2 would be combined.

In reply, the embodiments of Figures 2 and 7 are totally compatible with each other. Applicant has failed to show how they cannot operate together. Furthermore, they are applied to the claim language as follows: The limitation "information" in line 2 of claim 1 is not read as

being the same "information" in line 5 of claim 1. Since claim 5 fails to recite "said information" then they are viewed as different information. The "information" of line 2 is taught by Kruis as being services, see ¶ 82. The "information" of line 5 is taught by Kruis as being update information which satisfies the complete limitation of "information to configure", see ¶ 44.

5. Applicant argues that Kruis does not teach "*a user terminal device sends a request to the other device which then returns information concerning one or more applications back to the user terminal device*".

In reply, it is noted that the features upon which applicant relies (i.e., *a user terminal device sends a request to the other device which then returns information concerning one or more applications back to the user terminal device*) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). This particular language is not found in the claim. As mentioned above, the "information to configure" of line 5 has not been tied to the "information" of line 2 (by failing to use a limitation such as "the information" or "said information"). Therefore, Applicants argument does not read into the claim.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 16 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant is requested to change “A computer readable medium stored with program code” to “A computer readable storage medium storing program code”.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-7,16,17,21,22 rejected under 35 U.S.C. 102(e) as being anticipated by Kruis et al (US Patent Publication No 2004/0242209).

9. In reference to claim 1, Kruis teaches a method, comprising:

generating a request at a user terminal device for retrieving information stored in at least one data store in another device (§ 82 lines 1-4),

transmitting said generated request to said other device (§ 82 lines 1-10); and

applying information retrieved by said user terminal to configure one or more applications executable thereat to enable said applications accessing said at least one data store to obtain data of at least one content type therefrom (§ 43 lines 30-38 and § 44 lines 15-22), wherein said request comprises:

at least one data store descriptor suitable for characterizing said at least one data store, said at least one data store descriptor identifying at least one content type of data stored in said at least one data store (Figure 6 and ¶ 82 lines 8-18 & ¶ 85 lines 4-12);
and

a command for instructing a second device to identify at least one data store matching with said at least one data store descriptor, to retrieve information relating to said at least one identified data store and to return said retrieved information (¶ 82 lines 8-20).

10. In reference to claim 2, Kruis teaches the method according to claim 1, wherein said generating comprises: identifying said at least one data store descriptor to be coded (Figure 6 and ¶ 82 lines 8-18 & ¶ 85 lines 4-12).

11. In reference to claim 3, Kruis teaches method according to claim 1, wherein said at least one data store descriptor comprises at least one data type descriptor relating to at least one data content type (Figure 6 and ¶ 82 lines 8-18 & ¶ 85 lines 4-12).

12. In reference to claim 4, Kruis teaches the method according to claim 3, wherein said data type descriptor is a multipurpose Internet mail extension content type definition (¶ 90).

13. In reference to claim 5, Kruis teaches the method according to claim 1, wherein said information relating to said at least one data store includes an address information for enabling access to said at least one data store (Figure 6 and ¶ 82 lines 8-18 & ¶ 85 lines 4-12).

14. In reference to claim 6, Kruis teaches the method according to claim 1, wherein said request is based on the synchronization markup language protocol (¶ 67).

15. In reference to claim 7, Kruis teaches the method according to claim 6, wherein said command of said request is a modified ALERT command having a specific ALERT CODE and

including a META element containing a TYPE element for defining said at least one data store descriptor (§ 125).

16. In reference to claim 21, Kruis teaches the method according to claim 1, further comprising: retrieving data stored on said at least one identified data store using said one or more configured applications executed on said user terminal device in a subsequent process (Figure 6 and ¶ 82 lines 8-18 & ¶ 85 lines 4-12).

17. In reference to claim 22, Kruis teaches the method according to claim 1, wherein said retrieved information relating to said at least one identified data store includes at least one of access control information, access right information, data store preferences and data store properties (Figure 6 and ¶ 82 lines 8-18 & ¶ 85 lines 4-12).

18. In reference to claims 16-17, these are computer readable medium and device claims respectively that both correspond to the method claim of claim 1. Therefore, claims 16-17 are rejected based upon the same rationale as given for claim 1 above.

Conclusion

19. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/
Primary Examiner, Art Unit 2157
July 15, 2008